

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL
LITIGATION

CASE NO. 4:20-CV-03919-CW

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(2), and 23(b)(3), Plaintiffs bring a motion for class certification. The Court, having considered the parties' papers, the arguments of counsel, and all other matters presented, HEREBY ORDERS that:

1. Class certification is GRANTED for the Plaintiffs' Football and Men's Basketball Class, Women's Basketball Class, and Additional Sports Class, each of which seeks damages in the form of lost NIL compensation arising from the Defendants' anticompetitive rules that, prior to July 1, 2021, set at zero the amount college athletes could receive for the use of their names, images, and likenesses, and that since July 1, 2021, have continued to restrict the types of NIL compensation that college athletes may receive. The Plaintiffs' classes consist of:

Football and Men's Basketball Class: All current and former college athletes who have received full Grant-in-Aid (GIA) scholarships and compete on, or competed on, a Division I men's basketball team or an FBS football team, at a college or university that is a member of one of the Power Five Conferences (including Notre Dame), at any time between June 15, 2016 and the date of the class certification order in this matter. This Class excludes the officers, directors, and employees of Defendants. This Class also excludes all judicial officers

presiding over this action and their immediate family members and staff, and any juror assigned to this action.

Women's Basketball Class: All current and former college athletes who have received full GIA scholarships and compete on, or competed on, a Division I women's basketball team, at a college or university that is a member of one of the Power Five Conferences (including Notre Dame), at any time between June 15, 2016 and the date of the class certification order in this matter. This Class excludes the officers, directors, and employees of Defendants. This Class also excludes all judicial officers presiding over this action and their immediate family members and staff, and any juror assigned to this action.

Additional Sports Class: Excluding members of the Football and Men's Basketball Class and members of the Women's Basketball Class, all current or former college athletes who competed on a Division I athletic team prior to July 1, 2021 and who received compensation while a Division I college athlete for use of their name, image, or likeness between July 1, 2021 and the date of the class certification order in this matter and who competed in the same Division I sport prior to July 1, 2021. This Class excludes the officers, directors, and employees of Defendants. This Class also excludes all judicial officers presiding over this action and their immediate family members and staff, and any juror assigned to this action.

2. Class certification is GRANTED for the Plaintiffs' Injunctive Relief Class, which seeks to pursue class-wide injunctive relief and enjoin all of Defendants' restrictions on NIL compensation as unreasonable restraints of trade in violation of the Sherman Antitrust Act, 15 U.S.C. § 1. The Injunctive Relief Class consists of:

Injunctive Relief Class: All college athletes who compete on, or competed on, a Division I athletic team at any time between June 15, 2020 and the date of judgment in this matter. This Class excludes the officers, directors, and employees of Defendants. This Class also excludes all judicial officers presiding over this action and their immediate family members and staff, and any juror assigned to this action.

3. Pursuant to Rules 23(c)(1)(B) and (g)(3) of the Federal Rules of Civil Procedure, the Court appoints Hagens Berman Sobol Shapiro LLP, led by Steve Berman, and Winston & Strawn LLP, led by Jeffrey Kessler, as Co-Lead Class Counsel for the Classes.

4. The Court further finds that the named Plaintiffs – Sedona Prince, Grant House, and Tymir Oliver – have satisfied the requirements set forth in Rule 23(a)(4) – and are hereby designated Class Representatives.

IT IS SO ORDERED.

Dated: _____

The Honorable Claudia Wilken
United States District Court Judge
Northern District of California